

HALPRIN, TEMPLE, GOODMAN & MAHER  
555 TWELFTH STREET, N.W.  
SUITE 950 NORTH  
WASHINGTON, D.C. 20004  
(202) 371-9100

November 20, 2001

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Communications Assistance for Law Enforcement Act, CC Docket No. 97-213

Dear Ms. Salas:

MASERGY COMMUNICATIONS, INC. ("MASERGY") is writing with respect to the Commission's recent decision deferring the deadline for implementation of two Department of Justice ("DoJ")/Federal Bureau of Investigation ("FBI") "punch list" electronic surveillance capabilities mandated in this proceeding.<sup>1</sup> As part of that decision, the Commission provided carriers with an opportunity to seek waivers of the implementation deadline for those two capabilities. MASERGY is a new company that will be providing a broad range of private network telecommunications services including data, video and voice through enhanced internet protocol. MASERGY has not yet begun providing service, and so does not believe that the extended November 19, 2001 deadline would be applicable to its yet unavailable offerings. In addition, MASERGY is still determining whether its equipment will be compliant with the packet-mode communications electronic surveillance capability, and if not, what will be required to bring it into compliance. In any event, MASERGY intends to meet its CALEA obligations as soon as possible after it commences services. Once it is closer to service implementation, MASERGY will seek any necessary waivers, but it is not in a position to do so by the November 19<sup>th</sup> date announced by the Commission in its September 21<sup>st</sup> Order.

Please contact the undersigned Counsel for MASERGY if you have any questions.

Respectfully submitted,

/s/

Stephen L. Goodman

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<sup>1</sup> *Communications Assistance for Law Enforcement Act*, CC Docket No. 97-213, FCC 01-265, released September 21, 2001.